

OUR WATCHES

could not be excelled in conciseness or effect. The work of an artisan and the product of long diligent work is characteristic of a guaranteed CULMAN watch.

REPAIRING IN ALL ITS BRANCHES.

H. CULMAN FORT NEAR HOTEL

AMUSEMENTS.

THE ART

bringing to view scenes from many lands and embracing

COMEDY AND PATHOS

Two Changes each Week, Monday and Thursday.

MOVING PICTURES.

Bobbie's Pet Rats
Magnetic Vapor
Ruffians Thrashed

The Tragedian
For the Sake of a Crown
The Lighthouse-keeper
Held for Ransom

Park Theatre

FORT STREET and CHAPLAIN LANE
Latest and best motion pictures on the Parkscope.

Admission: 10 and 15c. Children 5c.

WRESTLING

AT THE

Orpheum Theatre

ON SATURDAY MARCH 6TH.
Sailor Roberts of the U. S. S. Iroquois VS.

William Jorrell of Russia.
Catch-as-Catch-can at 170 lbs. for the Championship of the Hawaiian Islands

2-4 Round Boxing Preliminaries.
Seats on sale at Fitzpatrick's Cigar Store, Cor. Hotel and Fort Streets.
Admission—Stage Seats \$1.50; Reserved Seats \$1.00, 75c and 50c. Gallery 25c.

OPERA HOUSE

Thursday, March 4th
BONINE

LAST EXHIBITION OF THE SEASON

SCENES IN HAWAII

The Great Floral Parade
School Exercises, Lincoln Centennial
Honolulu Fire Department Responding to a Call, a Thrilling Series of Interesting Scenes Just Completed
Once More, the Volcano of Kilauea

AND
A MISCELLANEOUS SERIES OF OTHER INTERESTING SCENES
Admission .25c. and 50c. Reserved Seats, 75c., now on sale at the Bergstrom Music Store.

The J. CARLO LOAN OFFICE

Fort Street near Hotel

Mrs. W. C. Weedon talked to the prisoners Sunday morning on the life of James A. Garfield. Mr. Colbert of Oregon told how the trials of life braced up manhood. Theo. Richards and the prison quartet supplied music. Miss McCandless recited, also sang "Home Sweet Home" in manner to make the prisoners weep.

REAL ESTATE.

OPEN LETTER.

TO THE PUBLIC:—

Are you an owner of real estate—do you want to RENT or BUY? We RENT—SELL, real estate of every kind. You see we accommodate you—help you in either case. We cover the field thoroughly. Many keep constantly in touch with us. BARGAINS in selling are not many, but we manage to find them. We can find them for YOU. It's such a saving of your time to know that you can trust us to find a house; office building—buy or sell—and we have been the people to do the hunting and worrying. We can SAVE YOU money and BRING YOU MONEY. Our business is nothing else but buying and selling and renting FOR YOU. We have a service that will convince you if you will just write us. But best of all—come and see us. We can SATISFY your NEEDS. Simply tell us what they are. Very truly yours,

REAL ESTATE EXCHANGE

REMNANTS

OF
Cotton Goods,
Muslins, Lawns,
Linens, Draperies,
White Goods, Etc.,

ON SALE
Monday, March 1st
AT 8 A. M.

Ehlers
VICTORY FOR FERN

(Continued from Page One.)

the auditor of the county to issue a warrant on the treasurer in payment of a claim for salary as sheriff's clerk was affirmed, the court holding that "the county auditor has the right in a proper case to question the validity of claims allowed and ordered paid by the board of supervisors," and that the claim in that case was not a lawful claim.

Upon the whole we are of opinion that Section 138 authorizes the treasurer to refuse payment of a warrant based upon a claim which in his opinion is unlawful, otherwise the provision meant to restrain illegal use of municipal funds would be inoperative.

Section 4 of the Municipal Act gives to the city all the powers of every description of the then existing county of Oahu and declares that the municipality is the successor of the said county. Section 3 of the County Act gave the county supervisors power "to open, construct, maintain and close public streets, highways, roads, alleys, trails and bridges within its boundaries." Under this power, thus transferred to the city, the selecting, engaging and employment of persons to perform the service required in maintaining public highways become necessary.

The board of supervisors has express power under Section 21 of the Municipal Act "To fix the hours of labor or service required of all employees and laborers in the service of the City and County, and to fix their compensation." But who are to employ the laborers or employees, the supervisors, whose general functions, as defined by the act, are legislative, or the mayor who is made by the act the chief executive officer? The division or apportionment of public work is conveniently and properly made according to the nature of the service required, as, for instance, maintaining roads and bridges and clearing streets would naturally come

under one head, sanitation and health another, and so on. Each head, subdivision or department requires, in order that it receive proper attention, some one or more persons to be placed in charge authorized to employ men to do the work required to be done. Under the County Act the board of supervisors appointed the persons in charge of each department and the chiefs of departments so appointed engaged and looked after the employees, the chiefs of the departments being subordinate officers of the board under the power expressly given to the board by Par. 2 of Section 52 of the county Act (Act 3 S. L. 1905): "To appoint such subordinate officers as they may deem necessary for the public service," but this power is not given to the board of supervisors by the Municipal Act. If this power were not otherwise placed by the act it might be implied, as contended by the plaintiff, from the power to maintain roads, but the act, section 51, gives to the mayor the power of appointing, with the approval of the board, all officers whose appointment is not otherwise specially provided for in the act or by law.

According to the plaintiff's theory this power would be continued to the appointment of the mayor's own secretary, no other officers being specifically mentioned, with the possible exception of inspectors of elections. According to the theory of the defendant most relied upon, the officers referred to are those not specifically named in the act but actually existing under the county government, particularly those whose offices were created under territorial law and who continued to exercise corresponding functions under the county act. These, according to defendant's contention, would be appointed by the mayor, with the approval of the board of supervisors, and would naturally and by necessary implication have the selecting of their own employees.

There are parts of the act which are inconsistent with either theory, but we are of the opinion that the decided preponderance of argument supports the contention of the defendant. The power to select employees might, in the absence of any other power, be inferred from the power given the supervisors "To make contracts and to do all things necessary and proper to carry into execution the foregoing powers and all other powers vested in said City and County or in any officer thereof" (Section 23 Par. 20), but such construction seems forced and unnatural. It is admitted that the enumeration of city and county officers in Sections 24, 35 and 39 is not exhaustive, the existence of others being implied in Sections 17, 27, 31, 131, 141 and 146. "Departments" though not specifically created are frequently referred to and their power to employ subordinates and employees is assumed in Sections 13 and 145. This last section, providing for the procedure when additional employees are required, is of especial significance. The supervisors upon the recommendation of the mayor authorize the appointment of additional employees and provide for their compensation, the appointments are made by the officers, board or department requiring them. This seems incompatible with the appointment of employees by the supervisors.

The plaintiff in this case does not bring himself within the class of employees employed by a de facto officer holding a legal office with the power of appointment. He claims solely under his appointment by the committee of the supervisors, ratified by the board. We are of the opinion that his employment was without authority of law and that he has no legal claim to his wages.

The order appealed from is reversed and the case remanded with instructions to dismiss the petition and alternative writ.

J. W. Cathcart, City and County Attorney, and F. W. Milverton First Deputy City and County Attorney, for plaintiff.

W. A. Kinney (E. M. Watson with him on the brief) for defendant.

The Chief Justice added, after reading the decision:

"Whether the act requires that the board of supervisors, when organized and qualified to act, shall pass upon appointments of heads of departments made by the mayor elect is a question which cannot be decided unless presented by some appropriate proceeding.

"The Municipal Act appears to consist of the San Francisco charter, after eliminating many of its important provisions which are connected with and explanatory of those which remain, changing the names and adding a few simple provisions. To construe such an act, it is evident, has presented no little difficulty."

POPULAR DEMONSTRATION.

There is going to be a rally of athletes at Haleiwa when the Marathon walkers reach there. The rally means more than giving the public an opportunity to see an assembly of young men of endurance, it means a demonstration in favor of keeping island roads up to a standard of that between Honolulu. The walk, or race, over the line should be taken as evidence that if the road is good enough to race over it is good enough for automobile riding. Persons desiring accommodations should communicate with St. Clair Biggood, manager.

KUKUI COMES FROM COAST

The lighthouse tender Kukui, the crack little vessel built especially for the lighthouse service in these islands, was sighted early this afternoon and came in about 3 o'clock. She made the trip from San Francisco in seven days, which is considered a rattling good passage for so small a craft.

The funeral of the late J. O. Carter will be held Sunday afternoon from Central Union church.

Fine Job Printing, Star Office.

New Advertisements

Hawaiian Lodge No. 21, F. & A. M.

There will be a stated meeting of Hawaiian Lodge, No. 21, F. & A. M., at its hall, Masonic Temple, corner of Hotel and Alakea streets, THIS (MONDAY) EVENING, March 1, 1909, 7:30 p. m.

TRANSACTION OF BUSINESS.
Members of Pacific Lodge, Oceanic Lodge, and all visiting brethren, are fraternally invited to attend.
By order of the W. M.
K. R. G. WALLACE, Secretary.

ANNUAL MEETING OF STOCK-HOLDERS.

McBRYDE SUGAR CO., LTD.
The annual meeting of stockholders of the McBryde Sugar Co., Ltd., will be held at the office of Messrs. Theo. H. Davies & Co., Ltd., Kaahumanu St., Honolulu, on Wednesday, March 17, 1909, at 10 o'clock a. m.

The stock books of the company will be closed for transfer of stock from March 3rd to March 17th, both dates inclusive.

GEORGE F. DAVIES, Secretary, McBryde Sugar Co., Ltd.

NOTICE.

Notice is hereby given that Wong Gan Quon is to leave for China, by the S. S. Korea on or about March 4, 1909.

WONG GAN QUON.

ELECTION OF OFFICERS.

SUGAR FACTORS' CO., LTD.
At the annual meeting of the stockholders of the Sugar Factors Co., Ltd., held Monday, March 1, 1909 at the office of the company, the following Directors were elected to serve for the ensuing year: F. A. Schaefer, J. P. Cooke, J. F. Hackfeld, E. D. Tenney, F. M. Swanzy, C. M. Cooke, S. M. Damon.

Auditor, J. F. Hackfeld.
At a subsequent meeting of the Directors the following officers were elected to serve for the ensuing year: President, F. A. Schaefer; 1st Vice President, J. P. Cooke; 2nd Vice President, J. F. Hackfeld; Treasurer, E. F. Bishop; Secretary & Manager, F. C. Atherton.

F. C. ATHERTON, Secretary.

Honolulu, March 1, 1909.

Wong Gan Quon gives notice that he leaves on the Korea for China.

ELECTION OF OFFICERS.

LAHAINA AGRICULTURAL CO. LTD.
At the annual meeting of the stockholders of the Lahaina Agricultural Co., Ltd., held at the office of H. Hackfeld & Co., Ltd., Honolulu, T. H., on Saturday, February 27th, 1909, the following Directors and Auditor were elected to serve for the ensuing year: W. Pfothner, J. A. McCandless, F. W. Macfarlane, Geo. Rodiek and F. Klamp, Directors and A. Haneberg, Auditor.

At a subsequent meeting of the Board of Directors the following officers were appointed to serve for the ensuing year: W. Pfothner, President; J. A. McCandless, Vice-President; Geo. Rodiek, Treasurer; F. Klamp, Secretary.

F. KLAMP, Secretary.

ELECTION OF OFFICERS.

WAIALUA AGRICULTURAL COMPANY, LIMITED.

At the annual meeting of the shareholders of the Waialua Agricultural Company, Limited, held in Honolulu on Friday, February 26th, 1909, the following Directors were elected to serve for the ensuing year: E. D. Tenney, C. M. Cooke, T. H. Petrie, C. H. Atherton, W. L. Hopper, J. A. McCandless, J. D. McNerny.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the ensuing year: E. D. Tenney, President; C. M. Cooke, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Waialua Agri. Co., Ltd. Honolulu, February 27, 1909.

The Conservation meeting under the auspices of the College Club, at which Mrs. A. F. Knudsen will read a paper, will be held at the home of Governor and Mrs. Frear, Punahou, at 4 o'clock tomorrow afternoon. The Governor, Forester Hosmer, Judge Dole, Geo. R. Carter, Dr. Scudder and Bishop Restarick will contribute remarks.

ELECTION OF OFFICERS.

THE WAIMEA SUGAR MILL CO.

At the annual meeting of the shareholders of The Waimea Sugar Mill Company, held in Honolulu on Thursday, February 25th, 1909, the following Officers were elected to serve for the ensuing year:

E. D. Tenney, President; H. P. Faye, Vice-President; T. H. Petrie, Secretary; F. Klamp, Treasurer; W. E. Rowell, Auditor.

The first four named Officers, together with W. E. Rowell, constitute the Board of Directors for the same period:

T. H. PETRIE, Secretary, The Waimea Sugar Mill Co. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

APOKAA SUGAR COMPANY, LTD.

At the annual meeting of the shareholders of the Apokaa Sugar Company, Limited, held in Honolulu on Thursday, February 25, 1909, the following Officers were elected to serve for the ensuing year:

E. D. Tenney, President; C. M. Cooke, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; J. B. Castle, Auditor.

The above named Officers also constitute the Board of Directors of the Company for the same period.

T. H. PETRIE, Secretary, Apokaa Sugar Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

EWA PLANTATION COMPANY.

At the annual meeting of the shareholders of the Ewa Plantation Company, held in Honolulu on Thursday, February 25, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, C. M. Cooke, T. H. Petrie, C. H. Atherton, J. B. Castle, W. L. Hopper, J. J. Carden.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the ensuing year:

E. D. Tenney, President; C. M. Cooke, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Ewa Plantation Co. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

KOHALA SUGAR COMPANY.

At the annual meeting of the shareholders of the Kohala Sugar Company, held in Honolulu on Saturday, February 27, 1909, the following Officers were elected to serve for the ensuing year:

E. D. Tenney, President; C. H. Cooke, Vice-President; R. E. Bond, Secretary; C. H. Atherton, Treasurer; M. P. Robinson, Auditor.

The above named Officers also constitute the Board of Directors for the same period:

R. E. BOND, Secretary, Kohala Sugar Co. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

KOHALA LAND COMPANY, LTD.

At the annual meeting of the Kohala Land Company, Limited, held in Honolulu on Saturday, February 27, 1909, the following Directors were elected to serve for the ensuing year:

M. P. Robinson, W. R. Castle, T. H. Petrie, C. H. Atherton, E. D. Tenney.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

M. P. Robinson, President; W. R. Castle, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; E. D. Tenney, Auditor.

T. H. PETRIE, Secretary, Kohala Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

ANAHULU LAND COMPANY, LTD.

At the annual meeting of the shareholders of the Anahulu Land Company, Limited, held in Honolulu on Friday, February 26th, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. H. Atherton, J. R. Galt.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Anahulu Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

HELEMANO LAND COMPANY, LTD.

At the annual meeting of the shareholders of the Helemano Land Company, Limited, held in Honolulu on Friday, February 26th, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. H. Atherton, J. R. Galt.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Helemano Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

KAWAIOLOA LAND COMPANY, LTD.

At the annual meeting of the shareholders of the Kawaioloa Land Company, Limited, held in Honolulu on Friday, February 26th, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. H. Atherton, J. R. Galt.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Kawaioloa Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

KAALA LAND COMPANY, LIMITED.

At the annual meeting of the shareholders of the Kaala Land Company, Limited, held in Honolulu on Friday, February 26, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. H. Atherton, J. R. Galt.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Kaala Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

KEMOO LAND COMPANY, LIMITED

At the annual meeting of the shareholders of the Kemoo Land Company, Limited, held in Honolulu on Friday, February 26, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. H. Atherton, J. R. Galt.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the same period:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Secretary; C. H. Atherton, Treasurer; T. Rich, Robinson, Auditor.

T. H. PETRIE, Secretary, Kemoo Land Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

WAHAWA WATER COMPANY, LTD.

At the annual meeting of the shareholders of the Wahawa Water Company, Limited, held in Honolulu on Friday, February 26, 1909, the following Directors were elected to serve for the ensuing year:

E. D. Tenney, W. W. Goodale, T. H. Petrie, C. M. Cooke, Byron O. Clark.

And at a subsequent meeting of the said Directors, held on the same date, the following Officers were appointed to serve for the ensuing year:

E. D. Tenney, President; W. W. Goodale, Vice-President; T. H. Petrie, Sec. & Treas.; J. P. Pvormann, Auditor.

T. H. PETRIE, Secretary, Wahawa Water Co., Ltd. Honolulu, February 27, 1909.

ELECTION OF OFFICERS.

CENTRAL MILL CO., LTD.

At the annual meeting of the stockholders of Central Mill Co., Ltd., held at its office and principal place of business in the Stangenwald Building, Honolulu, T. H., on Friday, the 26th day of February, 1909, the following Directors were elected to serve for the ensuing year:

H. P. Baldwin, S. M. Damon, W. O. Smith, J. Waterhouse, E. E. Paxton.

At a subsequent meeting of the Board of Directors the following officers were appointed to serve for the ensuing year:

H. P. Baldwin, President; S. M. Damon, Vice-President; W. O. Smith, Secretary; E. E. Paxton, Treasurer; D. B. Murdoch, Auditor.

W. O. SMITH, Secretary, Honolulu, T. H., Feb. 27, 1909.



FOR SALE!

Bargain
College Hills: a \$5500 property for \$4,500.

Bargain
Beach lot at Kalaiala, 100 ft. frontage, area 1 acre, Price \$3,500.

Bargain
Puupepe Tract. Building lot, corner East Manoa Road and Hillside Ave. 17,000 sq. ft. Price \$1,000.

Bargain
Kaimuki. 100,000 sq. ft., 8 lots, cleared and fenced, price \$2,600.

"WATERHOUSE TRUST"

Corner of Fort and Merchant Sts.

1000
Miles of Sea-bridged by one
Wireless

Classified Advertising

FOR SALE.
FOX TERRIER PUPS—Pure bred, from Imported Sire. Beautiful marked. Enquire Walter C. Weedon, P. O. Box 658, Honolulu.

HOMER PIGEONS—Pure bred, from choicest Imported Stock. Blacks, Blue-barred, Checkers and Chocolates. Enquire Walter C. Weedon, Box 658, Honolulu.

LOST
Waterman Fountain Pen. Return to Manhattan Cafe and receive reward.

SECOND-HAND CLOTHING.
Ladies' and gents' clothing bought; will call; spot cash. 1040 Nuuanu St.

FOR RENT, FURNISHED COTTAGE.
4 Room Cottage centrally located. \$22. Address "Cottage" Star Office.

FOR RENT.
First class furnished rooms centrally located. Hot and cold baths, Arlington Hotel, 215 Hotel St.

WANTED TO BUY
Old books, magazines, Hawaiian stamps and curios. Books exchanged. Weedon Curio Bazaar 27 Hotel street.
PIANO-TUNING AND REPAIRING.
James Sheridan, tuner and repairing of pianos and organs. No. 162, Hotel street, orders left at Hawaiian News Co., Young building. Good pianos to rent or sell at cheapest rates.